

TERMINAL DISCLAIMER

Applicant, by and through its attorney of record, hereby terminally disclaims the end portion of the term of any patent resulting from the present application SN: 10/776,446, entitled "Code Division Multiple Access Enhanced Capacity System", filed 02/11/04 which end portion may extend beyond the termination of the term of U.S. patent No. 7,139,302 that formed the basis for the double patenting rejection. Any patent granted on the present application shall be enforceable only for and during such period that said patent No. 7,139,302 and said application and any patents issuing upon said application are all commonly owned.

Respectfully Submitted

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